

REMARKS

Claims 11-31 are pending in this Application. By this Response, Applicants have amended claims 11 and 24 and canceled claim 31. Accordingly, claims 11-30 are at issue. Applicants respectfully submit no new matter was added by these amendments.

The Examiner has rejected claims 11-21, 24-29 and 31 35 U.S.C. 103(a) as being unpatentable over Salas in view of Hershey. Applicants respectfully traverse this rejection.

Claim 11, as amended herein, is directed to a system comprising a master device, a slave device, and “an adapter coupled to the slave device, the adapter device comprising an interface circuit for transmitting a response message to the master device in response to the request message, the response message correlating to an output received from the slave device.”

Neither Salas nor Hershey disclose or describe a system having an adapter that provides a response message correlating to an output of a slave device as required by claim 11. Instead, the device of Salas includes “Modbus Concentrators” that pass messages between two devices. The Modbus Concentrator does not create a message that correlates to the output of a slave device. Hershey does not cure this deficiency in Salas. Accordingly, Applicants respectfully submit claim 11 is patentable over Salas in view of Hershey.

Claims 12-23 depend on claim 11, either directly or indirectly, and include each of its limitations. Accordingly, Applicants respectfully submit claims 12-23 are also patentable over Salas in view of Hershey.

Claim 24 is directed to an Ethernet Module that includes a communication stack for “processing a TCP protocol, an IP protocol and an application layer protocol using a state machine” wherein “the processing further including building and parsing a communication message dependent upon a predetermined index of the message and creating a pre-calculated response message.”

Again, neither Salas nor Hershey disclose the Module of claim 24. The Examiner has cited to column 6, lines 5-45 of Salas for a disclosure of “an optimal communication stack

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protocol utilized to communicate the request message and the response message” (Office Action, paragraph 4, p. 3) and for disclosure of “optimizing a MODBUS/TCP/IP stack” (Office Action, paragraph 5, p. 4). However, as pointed out in Applicants’ prior Response, the cited section does not refer to optimizing the communication stack. Hershey also fails to disclose this feature.

Additionally, the Examiner has again failed to show an incentive or motivation in the prior art to make the combination of Salas with Hershey. The Examiner maintains:

The motivation to substitute the optimized MODBUS/TCP/IP stack of Salas with the finite state machine of Hershey is to provide an architecture and method for applying a real time feedback control to the logical or physical network behavior of a complex data communication network, (Hershey, Col. 3, lines 48-51).
(Office Action, p. 4)

However, this object of Hershey fails to provide the required incentive to modify the system of Salas with features of Hershey. There is nothing in Salas, Hershey, or anywhere else in the prior art that suggests that a system such as the one disclosed in Salas is or would be concerned with “real time feedback control.” Moreover, there is no evidence that the system of Salas, if modified as proposed by the Examiner, would continue to function for its intended purpose (i.e., to control and monitor power usage or consumption between multiple networks). In this regard, there is no evidence in the prior art that the “state machine” of Hershey would work or is easily adaptable to the multiple network environment of Salas. Accordingly, Applicants respectfully submit claim 24 is patentable over Salas in view of Hershey.

Claims 25-29 depend on claim 24, either directly or indirectly, and include each of its limitations. Accordingly, Applicants respectfully submit claims 25-29 are also patentable over Salas in view of Hershey.

The Examiner has rejected claims 22, 23 and 30 under 35 U.S.C. 103(a) as being unpatentable over Salas in view of Hershey and in further view of Friedman. Applicants respectfully traverse this rejection.

As set forth above, Applicants respectfully submit claims 11 and 24, as amended herein,

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are patentable over Salas in view of Hershey. Friedman does not cure the deficiencies of Salas and Hershey. Accordingly, Applicants respectfully submit claims 11 and 24 are also patentable over Salas in view of Hershey and further in view of Friedman.

Claims 22 and 23 depend on claim 11, either directly or indirectly, and include each of its limitations, and claim 30 depends on claim 24 and includes each of its limitations. Accordingly, Applicants respectfully submit claims 22, 23 and 30 are also patentable over Salas in view of Hershey and further in view of Friedman.

Additionally, Applicants submit the combination of Salas with Hershey and Friedman in the manner maintained by the Examiner is improper. There is no motivation or incentive to combine the references in the manner suggested.

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CONCLUSION

In light of the foregoing reasons, Applicants respectfully request reconsideration and allowance of claims 11-30. The Commissioner is authorized to charge any additional fees or credit any overpayments associated with this Amendment to Deposit Account 23-0280. Applicants further invite the Examiner to contact the undersigned representative at the telephone number below to discuss any matters pertaining to the present Application.

Respectfully submitted,

Date: July 28, 2005

By: Richard C. Himelhoch
Richard C. Himelhoch, Reg. No. 35,544
Customer No. 46901
WALLENSTEIN WAGNER & ROCKEY, LTD.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6604
(312) 554-3300

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on July 28, 2005.

Sarah J. Goodright
Sarah J. Goodright (226943)